THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

W.P.No.22946/2000

Dt.18-7-2007

The Gram Panchayat, Pallevada, Kaikalur Mandal, Krishna District, represented by its Sarpanch, M.Jaya Rao S.o Pakash Rao, aged 34 Years.

..Petitioner

V.

1. The District Collector, Krishna at Machilipatnam and another.

..Respondents.

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Oral order:

The petitioner-Gram Panchayat, Pallevada, Kaikalur Mandal, by filing this writ petition, seeks a Writ of Mandamus to declare that the tank by name “Toka Cheruvu” in RS No.286 admeasuring Ac.4054 cents situated at Pallevada village, Kaikalur Mandal vests in the petitioner-Gram Panchayat and the Fisheries Department has no right over it.

As per the averments made in the affidavit filed in support of the writ petition the tank which is the subject matter of dispute was being used for drinking water purposes by the villagers and a part of the tank was used by washer men. A.P. Fisheries Corporation has illegally occupied the said tank in the year 1974 and rearing fish seed. Several representations were made by the petitioner to the District Collector and Fisheries Corporation to hand over the said tank to the petitioner. The District Collector by his proceedings RC No.E2/3688/97 dt. 23-12-1997also authorized the Mandal Revenue Officer to resume the land from the Fisheries Corporation and the Mandal Revenue Officer, Kaikalur, by his proceedings dt. 26-3-1998 called upon the Fisheries Department to hand over the same to the petitioner. On the representation made by the petitioner to the Nodal Officer, Kaikalur, he requested the Mandal Revenue Officer to take possession of the above tank from the Fisheries Corporation and handed the same to the petitioner-Gram Panchayat. In spite of the same, tank has not been handed over to the petitioner.

The second respondent filed a counter-affidavit stating that an extent of Ac.4-54 cents in RS No.286 of Pallevada village which was classified as Thokalacheruvu poramboke land was originally allotted to A.P. Fisheries Corporation. He denied the averment that the water in the tank was being used for drinking water purpose by the villagers. The said extent of land was allotted to Fisheries Corporation in the year 1980 and since then it was being used for fish seed production. On abolition of the Fisheries Corporation, the District Collector, Krishna through his proceedings dt. 23-12-1997 directed the Mandal Revenue Officer, Kaikalur to resume the land

from the Fisheries Department, and the claim of the Fisheries Department to retain the said land was rejected by the Revenue authorities. When the matter pending as such, the Fisheries Department leased out the said land along with other land to one B.Vijaya Kumar for a period of 11 months commencing from 20-9-2001 to 19-8-2002 and after expiry of lease, the lease was not extended. Out of the total extent of Ac. 4.54 cents, Ac.4-41 cents was handed over to the Mandal Revenue Officer, Kaikalur on 13-9-2002 by the Fisheries Department and Ac.0-13 cents was retained by the Fisheries Department for passage to their lands. As per the proceedings of the Mandal Revenue Officer, Kaikalur in RC No.A973/2000 dt. 12-1-2002, the land was proposed to re-allot to the petitioner-Gram Panchayat and unless and until the land is allotted, the Gram Panchayat did not have any right whatsoever on the land in question.

Along with the counter-affidavit, proceedings of the Mandal Revenue Officer, Kaikalur dt. 12-1-2002 was enclosed. It clearly discloses that the Mandal Revenue Officer, Kaikalur passed orders proposing to allot Ac.4-54 cents to the petitioner-Gram Panchayat and Shaik Azgar Ali, Ex-Military personal and authorizing the Mandal Revenue Inspector to take over possession of the poramboke land from the Assistant Director, Fisheries, Kaikalur and requesting the Assistant Director, Fisheries, Kaikalur to co-operate in the matter and to consider allotment of Ac.0-10 cents in Mandal Revenue Office compound for Fisheries Research Building.

In view of the proceedings of the Mandal Revenue Officer, Kaikalur dt. 12-1-2002, the petitioner-Gram Panchayat is at liberty to make a representation, along with the copy of the said proceedings to the District Collector, seeking implementation of the said proceedings and re-allotting the poramboke land to it.

With the above direction, the writ petition is accordingly disposed of. No costs.

A.GOPAL REDDY,J

Dt.18-7-2007
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